

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NIKE INC.,

Plaintiff,

v.

STOCKX LLC,

Defendant.

Civil Action No.: 1:22-cv-00983-VEC

ORAL ARGUMENT REQUESTED

DECLARATION OF TAMAR Y. DUVDEVANI IN SUPPORT OF NIKE INC.’S OMNIBUS MOTION TO EXCLUDE THE PROFFERED EXPERT TESTIMONY AND OPINIONS OF SARAH BUTLER, ROBERT VIGIL, AND DEJONGH WELLS

I, Tamar Y. Duvdevani, declare as follows:

1. I am a partner at DLA Piper LLP (US) and attorney of record for Plaintiff Nike, Inc. (“Nike”). I submit this Declaration in connection with Nike’s Omnibus Motion to Exclude the Proffered Expert Testimony and Opinions of Sarah Butler, Robert Vigil, and DeJongh Wells and to place before the Court relevant expert reports, deposition testimony, and documents produced during discovery in this matter.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Amended Rebuttal Expert Report of Robert L. Vigil, Ph.D. disclosed by StockX LLC (“StockX”) on August 21, 2023 and the exhibits thereto.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0000016-17.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0006786-790.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0020523-534.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0039585-592.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0039422-473.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0018453-499.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the transcript of the June 29, 2023 videotaped deposition of StockX's designated Rule 30(b)(6) corporate representative, Brock Huber, and the errata thereto.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the transcript of the December 2, 2022 videotaped deposition of Jacob Fenton and the errata thereto.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the transcript of the February 23, 2023 videotaped deposition of John Lopez and the errata thereto.

12. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0036330-338.

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the transcript of the February 8, 2023 videotaped deposition of Roy Ikhyun Kim.

14. Attached hereto as **Exhibit 13** is a true and correct copy of an excel spreadsheet produced by StockX in this matter in native form and bearing the Bates number STX0806024.

15. Attached hereto as **Exhibit 14** is a true and correct copy of an excel spreadsheet produced by StockX in this matter in native form and bearing the Bates number STX0806056.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the Expert Rebuttal Report of Sarah Butler and the exhibits thereto disclosed by StockX on June 2, 2023.

17. Attached hereto as **Exhibit 16** is a true and correct copy of the Expert Report of Robert L. Vigil, Ph.D. and the exhibits thereto disclosed by StockX on May 5, 2023.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the Expert Report of DeJongh “Dee” Wells and the appendices thereto disclosed by StockX on May 5, 2023.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the Second Rebuttal Expert Report of Dr. Itamar Simonson and the exhibits thereto disclosed by Nike on July 5, 2023.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the transcript of the August 15, 2023 videotaped deposition of Sarah Butler, and the errata thereto.

21. Attached hereto as **Exhibit 20** is a true and correct copy of Exhibit 4 from the August 15, 2023 videotaped deposition of Sarah Butler.

22. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from the transcript of the August 22, 2023 videotaped deposition of Robert L Vigil, Ph.D., and the errata thereto.

23. Attached hereto as **Exhibit 22** is a true and correct copy of an excel spreadsheet produced by StockX in this matter in native form and bearing the Bates number STX0806054. StockX produced this document on June 2, 2023 when it disclosed StockX’s rebuttal expert reports. During discovery in this matter, neither party served a non-party subpoena on 1661, Inc. d/b/a GOAT, the entity that operates the goat.com online marketplace seeking the production of documents or testimony, as such this entity did not provide deposition testimony or produce documents in this matter.

24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the transcript of the August 30, 2023 videotaped deposition of DeJongh Wells, and the errata thereto.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Executed on October 13, 2023 in New York, New York.

By: */s/ Tamar Y. Duvdevani*
Tamar Y. Duvdevani